



Public Law 89-63
89th Congress, H. R. 7105
June 30, 1965

An Act

79 STAT. 209.

To provide for continuation of authority for regulation of exports, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Export Control Act of 1949 (50 U.S.C. App. 2032) is amended by changing "1965" to read "1969".

Export Control
Act of 1949,
amendment.
63 Stat. 9;
76 Stat. 127.

SEC. 2. Section 5 of the Export Control Act of 1949 (50 U.S.C. App. 2025) is amended by adding at the end thereof the following new subsections:

"(c) The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed \$1,000 for each violation of this Act or any regulation, order, or license issued under this Act, either in addition to or in lieu of any other liability or penalty which may be imposed.

Violations;
penalties.

"(d) The payment of any penalty imposed pursuant to subsection (c) may be made a condition, for a period not exceeding one year after the imposition of such penalty, to the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed.

"(e) Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within two years after payment, on the ground of a material error of fact or law in the imposition. Notwithstanding section 1346(a) of title 28 of the United States Code, no action for the refund of any such penalty may be maintained in any court.

62 Stat. 933;
68 Stat. 589.

"(f) In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of liability. Except as provided in this subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

"(g) Nothing in subsection (c), (d), or (f) shall limit—

"(1) the availability of other administrative or judicial remedies with respect to violations of this Act or any regulation, order, or license issued under this Act,

"(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act or any regulation, order, or license issued under this Act, or

"(3) the authority to compromise, remit, or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b))."

67 Stat. 577.

SEC. 3. (a) Section 2 of the Export Control Act of 1949 (50 U.S.C. App. 2022) is amended (1) by redesignating clauses (a), (b), and (c) in the first sentence as (A), (B), and (C), (2) by inserting "(1)" at the beginning of the first, "(2)" at the beginning of the second, and "(3)" at the beginning of the third typographical paragraph thereof, and (3) by adding at the end thereof the following new paragraph:

63 Stat. 7;
76 Stat. 127.

"(4) The Congress further declares that it is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries

friendly to the United States and (B) to encourage and request domestic concerns engaged in the export of articles, materials, supplies, or information, to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against another country friendly to the United States."

(b) Section 3(c) of such Act is amended by changing "clause (b) or clause (c) of section 2 hereof" to read "section 2(1)(B) or 2(1)(C) of this Act".

63 Stat. 7;
76 Stat. 127.

SEC. 4. (a) The first and last sentences of section 3(a) of such Act (50 U.S.C. App. 2023(a)) are amended by inserting immediately after "technical data" the following: "or any other information".

(b) Section 4(a) of such Act (50 U.S.C. App. 2024(a)) is amended (1) by changing "which articles, materials, or supplies" to read "what" and (2) by striking out "thereof".

(c) Section 5(b) of such Act (50 U.S.C. App. 2025 (b)) is amended by changing "any material" to read "anything".

(d) Section 3(a) of such Act is further amended by adding at the end thereof the following new sentence: "Such rules and regulations shall implement the provisions of section 2(4) of this Act and shall require that all domestic concerns receiving requests for the furnishing of information or the signing of agreements as specified in section 2(4) must report this fact to the Secretary of Commerce for such action as he may deem appropriate to carry out the purposes of section 2(4)."

Publication in
Federal Register.

(e) Rules and regulations required to be promulgated pursuant to the amendment made by subsection (d) of this section shall be promulgated as expeditiously as practicable, and shall be published in the Federal Register within ninety days after the date of enactment of this Act.

Approved June 30, 1965.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 434 (Comm. on Banking & Currency).
SENATE REPORT No. 363 (Comm. on Banking & Currency).
CONGRESSIONAL RECORD, Vol. 111 (1965):

June 8: Considered and passed House.

June 30: Considered and passed Senate amended;
House agreed to Senate amendments.